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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 GARNETT A. GEBHARDT,
24 Plaintiff,

25 v.

26 STEVEN CHU, SECRETARY, UNITED
STATES DEPARTMENT OF ENERGY,
27 and NORTHROP GRUMMAN CORP.,

28 Defendants.

Case No. CV-10-2807 (MEJ)

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING DISCOVERY AND
TRIAL DEADLINES**

Judge: Hon. Maria-Elena James
Complaint Filed: June 25, 2010

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Garnett A. Gebhardt ("Plaintiff") and Defendants Steven Chu and the United States Department of Energy ("Federal Defendant") and Northrop Grumman Systems Corp. ("Northrop Grumman") (collectively, "Defendants"), by and through their attorneys of record, make the following stipulated request to extend non-expert discovery and the trial date in the above-captioned matter as follows:

WHEREAS, on February 4, 2011, the Court issued a Case Management Order directing the Parties to complete mediation within 90 days in compliance with ADR L.R. 6-4(b) and establishing the cut-off for non-expert discovery as August 9, 2011, and the date for trial as February 12, 2012 (Dkt. No. 30);

WHEREAS, the Parties jointly requested and the Court granted extending the deadline for mediation from May 5, 2011, to July 29, 2011, to allow for a more productive mediation following initial discovery (Dkt. No. 40);

WHEREAS, the Parties have diligently pursued, but not yet completed, the exchange of written discovery and the taking of depositions of key witnesses for both Plaintiffs and Defendants;

WHEREAS, the Federal Government has been unable to produce a substantial portion of its document production in response to Plaintiff's written request for documents dated December 22, 2010, because each document must be closely reviewed to identify and redact any information that would potentially implicate national security interests;

WHEREAS, the Court has ordered the Federal Government to produce such documents and/or privileged logs on or before June 9, 2011;

WHEREAS, the Parties have found it challenging to notice depositions given the conflicting schedules of counsel and numerous witnesses, as well as the fact that most of Defendants' witnesses are located out of State in Washington, DC;

WHEREAS, the Parties have conducted the first day of Plaintiff's deposition, as well as that of the following key witnesses in San Francisco, CA, Oakland, CA, Washington, DC, and Salisbury, MD: Steve Minniear, Page Holland, Jean Gallina, and Ed Crawford;

WHEREAS, Plaintiff has further noticed for mid-June, but may need to reschedule

1 for early this summer, the depositions of Department of Energy witnesses Tahirah Dumbrill
2 Solomon, Myron Alston, Carrie Brown, and a Rule 30(b)(6) representative, all of whom are located
3 in Washington, DC;

4 WHEREAS, the Parties must reschedule due to unforeseen circumstances the
5 deposition of Jim Summerford, which Plaintiff previously noticed for May 18, 2011;

6 WHEREAS, the Parties are set to mediate the case with the Court-appointed mediator
7 Linda McSweyn on July 18, 2011;

8 WHEREAS, Plaintiff has filed a motion for leave to amend her Complaint adding
9 State wage and hour claims requiring additional discovery, and a hearing on the same is scheduled
10 for June 30, 2011;

11 WHEREAS, the Parties have met and conferred pursuant to the Court's Order dated
12 May 10, 2011, for the purpose of determining a reasonable extension of the pretrial and trial dates in
13 this case, and agreed to a schedule that does not conflict with counsels' pre-existing commitments,
14 including other trials set for 2011 and 2012 (Dkt. No. 42);

15 WHEREAS, there have been no previous modifications to the dates set by the Court's
16 initial Case Management Order, except the request to extend the deadline for the Parties to complete
17 mediation;

18 WHEREAS, the Parties in good faith believe that additional time is necessary in order
19 to travel back and forth to the East Coast to complete the depositions of key witnesses, respond to
20 written discovery without compromising national security interests, and fully explore the possibility
21 of settlement;

22 WHEREAS, the Parties agree that extending the deadline for discovery and trial
23 would serve the interests of judicial economy and not cause any prejudice; and

24 THEREFORE IT IS HEREBY STIPULATED by and between the Parties, through
25 their respective counsel, that the Court modify the deadlines set forth in the Case Management Order
26 by approximately four (4) months to extend the cut-off for non-expert discovery until no sooner than
27 December 15, 2011, and the trial in this matter until no sooner than June 15, 2012.

1 Dated: May 25, 2011

BRYAN SCHWARTZ LAW

2
3 /s/ Bryan Schwartz

4 Bryan Schwartz, Bar No. 209903
Attorney for Plaintiff

5 Dated: May 25, 2011

LITTLER MENDELSON
A Professional Corporation

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7
8 /s/ Shannon M. Gibson

9 Shannon M. Gibson, Bar No. 256634
Attorneys for Defendant
Northrop Grumman Systems Corp.

10
11 Dated: May 25, 2011

MELINDA HAAG
United States Attorney

12
13 /s/ Abraham A. Simmons

14 Abraham A. Simmons, Bar No. 146400
Assistant United States Attorney
Attorneys for Federal Defendant

15
16 **ORDER**

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Parties' Stipulation,
18 above, is approved and adopted as the Order of this Court, as follows:

19 1. The cut-off for non-expert discovery in the above-captioned matter shall be extended
20 from August 9, 2011 to a date no sooner than December 15, 2011; and

21 2. ~~The date for trial shall be extended from February 12, 2012 to a date no sooner than~~
22 ~~June 15, 2012.~~ All other pretrial and trial deadlines are VACATED pending resolution of
Plaintiff's motion to amend.

23 **IT IS SO ORDERED.**

24 Dated: May 26, 2011

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26 
27 Maria-Elena James
CHIEF UNITED STATES MAGISTRATE JUDGE

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